

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSE ANTONIO PEROZA-
BENITEZ**

Plaintiff

v.

C.I. DARREN C. SMITH, *et al.*
Defendants

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CIVIL ACTION

NO. 17-3980

ORDER

AND NOW, this 24th day of January 2020, upon consideration of Defendants' *motion for summary judgment*, [ECF 49], Plaintiff's response in opposition thereto, [ECF 55], and Defendants' replies, [ECF 57, 60], it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion:

1. Defendants' motion for summary judgment is **GRANTED** and **JUDGMENT** is entered in favor of Defendants and against Plaintiff, with respect to Plaintiff's § 1983 claims at Count I of Plaintiff's amended complaint;
2. regarding the remaining state law claims against Defendants Haser and White, at Count II of Plaintiff's amended complaint, this Court declines to exercise supplemental jurisdiction over them pursuant to 28 U.S.C § 1367(c)(3). Accordingly, these claims are **DISMISSED**, without prejudice; and
3. the state law claims against Defendants Smith, Perkins, and Epolito are **DISMISSED**, with prejudice, with Plaintiff's consent. [ECF 55 at 6].

The Clerk of Court is directed to mark this case **CLOSED**.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court